

PROTECTING THE SACRED IN AN ENVIRONMENTAL CLEANUP – The Fort Mojave Indian Tribe (FMIT) and the Topock Remediation Project

The AhaMakav, “People of the river” are the keepers of the River. The Colorado River is the origin of our peoples; the River is sacred, water is life. The River is spiritual, there is a timeless flow of oral traditions and cultural connections to the river. The River must be viewed holistically, there needs to be a balance between our traditional lifeways, reliance on the River and the economic uses of the River. There are many threats to the River: Climate change, resource depletion, over-allocation and contamination. As a result, those that depend on the River, animals, plants, fish, tribes, farmers and communities – are suffering. Tribal traditional values must be taken into equal account along with western science in relationship to the management of the River. This trajectory of increasing anguish must be changed. The Maze area (located within and adjacent to the Topock Remediation Project Area of Potential Effect) in connection with the Colorado River, landscape area, all things above and below ground is both a physical manifestation and a spiritual pathway for the afterlife. It has always been and will always be, an integral and significant part of the Mojave way of life, beliefs, traditions, culture and religion.

Pacific Gas & Electric (PG&E), by its ownership and operation of the **Topock Natural Gas Compressor Station** near **Needles**, California, over the last 70 years, has polluted the groundwater under and around the Maze with hexavalent chromium, a toxic chemical that can cause numerous human and ecological health problems. The station was placed in this sensitive location long before tribes had input into the management of their sacred areas.

The FMIT Tribe has been fighting these associated cultural and environmental injustices for 16 years on several fronts.

First, to see that the cleanup Interim Measures to protect the River, the Groundwater and Soil Remedy design and other actions at the sacred area are done through consultation with affected tribes and in as culturally appropriate a manner as possible. The Tribe has had to file two lawsuits (2005 and 2011), now both settled, to enforce its rights and protect the area during the remediation. Through the settlements, the Tribe has been able to return part of the sacred area to tribal ownership, receive independent technical support, and build tribal project staffing capacity, among other provisions.

Second, the Tribe has fought to see that the lead agencies accord the area the respect and recognition it so richly deserves. In 2007, portions of the project site were designated as a Riparian and Cultural Area of Critical Environmental Concern (ACEC) and the Topock-Needles Special Cultural Resource Management area (SCRMA) was designated, under the BLM Resource Management Plan 2007.

In 2011, the California Department of Toxic Substance Control made a finding that the Topock Cultural Area is a historic resource under state law and the U.S. Bureau of Land Management (BLM) determined that a Traditional Cultural Property (TCP), or property of traditional religious and cultural significance, within a 1,600 acre Area of Potential Effect is eligible for listing on the National Register of Historic Places under Criterion A, as part of what tribes have identified as a larger area of tribal traditional and cultural importance.

Participating Tribal Governments along with the Fort Mojave Indian Tribe, include the Hualapai Tribe, Chemehuevi Tribe, Colorado River Indian Tribes (CRIT), Cocopah Tribe and Quechan Tribe.

The Tribes have gone through a series of design reviews for the Groundwater Final Remedy. The first Environmental Impact Report (EIR) was completed and approved by DTSC in 2011. A final (100%) design with intermediate 30%, 60% and 90% steps, and a Subsequent Environmental Impact Report were needed to address the increasing impacts that were identified during the design development process. The Final SEIR was approved on April 23, 2018. With this approval, allowed the lead Regulatory Agencies (California State Department of Toxic Substance Control (DTSC) and the Department of the Interior (DOI), directed PG&E to move forward with the mobilization and start of construction of the final remedy to clean up the toxic hexavalent chromium plume at Topock. This construction will be done in 3 phases and will take approximately 5 years to complete. The 1st phase of construction began in October 2018 and will be completed in June 2021, forever altering the landscape and sacred area.

Still – past, current and proposed remedial actions – taken together, create continuing cumulative adverse impacts to the Mojave people and other Tribal Governments, and to their sacred landscape and tribal religious beliefs, which are impacts that cannot be fully mitigated.

This issue is national in scope: the **Maze** has been listed on the National Register of Historic Places since 1978 and is formally recognized as nationally significant. Moreover, the failure of state and federal agencies to fully consider direct, indirect and cumulative impacts to Native Sacred Places during pollution remediation activities remains a national problem requiring Congressional Oversight.

Contact: **Nora McDowell, Fort Mojave Topock Project Manager** at 928-346-2700 or by Email: noramcdowell@fortmojave.com